CRP 271/2007

BEFORE

THE HON’BLE MR JUSTICE H. N. SARMA

Heard Mr. P.K. Kalita, learned counsel for the petitioner.

The challenge in this petition filed under Article 227 of the Constitution of India is an order dated 24.4.2007 passed by the learned Munsif, Bongaigaon, in Title Suit No. 1/2000.

The petitioner is defendant in the aforesaid suit. The suit is for ejectment and realization of arrear rent. The plaintiff already closed his evidences. On the prayer of the defendant/petitioner to summon Banwarila Sharma for deposing on his behalf, vide order dated 10-9-2002 allowed the said prayer to summon the witness in the suit. Till now the said witness has not been examined. The defendant again on 20-4-2007 vide petition no. 325/2007 prayed for passing an order for summoning the said witness who deposed on his behalf. The learned trial court rejected the same vide impugned order dated 24-4-2007. The impugned order discloses that the suit which is an old suit of 2000 is pending for DW since 25.6.2002, since the defendant’s side has availed several adjournments numbering 16 for adducing evidences on their behalf. The impugned order further discloses that vide order dated 10.9.2002 and 21-3-2006, the learned trial court allowed the prayer of the defendant to summon the said witness but inspite of that the plaintiff could not bring him to the Court. The defendant has also not taken other steps available under the law to bring the witness into the Court for deposition. In such circumstances the learned trial court rejected the prayer to summon the said witness for deposing on behalf of the defendant. The defendant is allowed to examine some witnesses on his behalf.

In view of the aforesaid facts situation, I do not consider that the impugned order requires any interference from the end of this Court in exercising superintendent jurisdiction of this Court. Infact the impugned order has been passed to secure the ends of justice and accordingly this revision petition stands dismissed. The learned trial court is directed to dispose of the suit as expeditiously as possible since it is an old suit of 2000.